

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTA LA DAWN
STANLEY-BURTON,

Plaintiff,

V.

MARTIN O'MALLEY, Commissioner of
Social Security Administration,

Defendant.

Case No. CIV-24-399-D

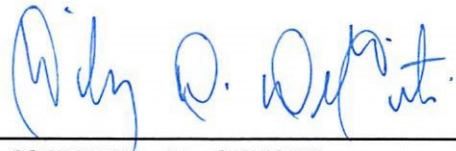
ORDER AWARDING ATTORNEY FEES

Before the Court is Plaintiff's Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act [Doc. No. 14]. Plaintiff seeks an award of fees in the amount of \$5,898.50 to compensate her attorney for legal services provided in the case (23.5 hours of attorney time). Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Judgment and Order of Remand entered July 30, 2024. Defendant has responded [Doc. No. 15] by stating that he has no objection to an award of attorney fees of \$5,898.50 payable to Plaintiff, consistent with *Astrue v. Ratliff*, 560 U.S. 586, 597 (2010) and *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

After consideration of the law and the case record, and accepting the representations in Defendant's Response, the Court finds: (1) the Commissioner's position in the case was not substantially justified; (2) Plaintiff is entitled to an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the agreed amount of fees is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Award of Attorney Fees [Doc. No. 14] is **GRANTED**. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the amount of \$5,898.50. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 13th day of September, 2024.



TIMOTHY D. DeGIUSTI
Chief United States District Judge